

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
CARLOS DEMARK DENNIS,  
  
Defendant.

NO. 2:18-cr-00131-RAJ

ORDER ON DEFENDANT'S MOTION  
FOR RECONSIDERATION OF  
SENTENCE

THIS MATTER comes before the Court upon Carlos Demark Dennis's *pro se* Motion for Reconsideration of Sentence, Points and Custody Level. Dkt. 1540. Having considered Mr. Dennis's motion, and the files and pleadings herein, the Court hereby **DENIES** the motion for the reasons set forth below.

Mr. Dennis argues that, pursuant to the recent Washington State Supreme Court decision in *State of Washington v. Blake*, which invalidates certain drug possession convictions, the Court should re-evaluate his criminal history points. Specifically, he argues his 2015 conviction for possession of cocaine should be removed from the Court's calculation of his criminal history points, which he indicates would result in the Bureau of Prisons designating him to a low security facility rather than a medium security facility. Dkt. 1540.

Upon sentencing by a federal district court, the Bureau of Prisons has the sole responsibility and authority in determining where a defendant will be designated for

1 service of his sentence. The Bureau of Prisons's facility designation is based on many  
2 factors beyond a defendant's security determination (which is grounded only in part on a  
3 defendant's criminal history), such as bed availability, the defendant's programming  
4 needs, the defendant's mental and medical health needs, faith-based needs, and other  
5 security concerns. For these reasons, the Court **DENIES** Mr. Dennis's request that the  
6 Court reconsider the calculation of his criminal history points.

7 As it relates to Mr. Dennis's argument for release related to his knee pain and  
8 rectal bleeding, and his claim of continuing lack of sufficient medical treatment, the  
9 Court incorporates its findings related to these issues in its original order denying  
10 compassionate release (Dkt. 1458) and its order denying Mr. Dennis's motion for  
11 reconsideration of order denying compassionate release (Dkt. 1517).

12 The Court finds that no new evidence has been presented by Mr. Dennis to justify  
13 reversal of the Court's prior decisions nor a reconsideration of his sentence. For this  
14 reason, Defendant Carlos Demark Dennis's Motion for Reconsideration of Sentence,  
15 Points and Custody Level (Dkt. 1540) is **DENIED**.

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17 DATED this 13th day of May, 2021.

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20 The Honorable Richard A. Jones  
21 United States District Judge  
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